

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Foulger *et al.*

Appl. No. 09/841,186

Filed: April 25, 2001

For: **System and Method Related to  
Generating and Tracking an  
Email Campaign**

Confirmation No. 3649

Art Unit: 2152

Examiner: *To Be Assigned*

Atty. Docket: 2018.0040001/JSW

**Information Disclosure Statement**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**RECEIVED**

SEP 25 2002

Technology Center 2100

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☒ 2. Filing under 37 C.F.R. § 1.97((b). This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.
- ☐ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
  - ☐ a. Statement under 37 C.F.R. § 1,97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
  - ☐ b. Statement under 37 C.F.R. § 1,97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry,

was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- ☐ c. Attached is our Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☒ 5. Documents AA1, AB1, AL1, AR1, AS1, AT1 and AR2 were cited in a Search Report in a counterpart foreign application. A copy of the Search Report is

enclosed and listed on the PTO-1449 form for the convenience of the Examiner.

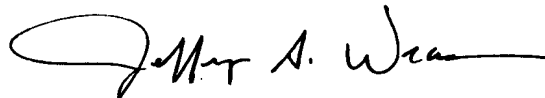
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐ 7. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jeffrey S. Weaver  
Attorney for Applicants  
Registration No. 45,608

Date: 9-23-02

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600



FORM PTO-1449

## INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.  
2018.0040001APPLICATION NO.  
09/841,186APPLICANT  
Foulger et al.FILING DATE  
April 25, 2001GROUP  
2152

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA1	5,818,447	10/1998	Wolf et al.			
	AB1	5,966,695	10/1999	Melchione et al.			
	AC1	5,978,799	11/1999	Hirsch			
	AD1						
	AE1						
	AF1						
	AG1						
	AH1						
	AI1						
	AJ1						
	AK1						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL1	WO 00/20975 A1	04/2000	PCT	G06F	13/00	N/A No
	AM1						Yes No
	AN1						Yes No
	AO1						Yes No
	AP1						Yes No

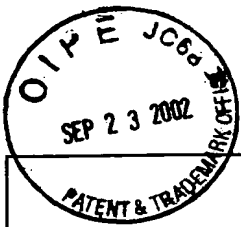
## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>1</u>	Anderson, D., "E-mail or Me-Mail?" <i>The Industry Standard</i> , IDG.net, Printed from <a href="http://www.thestandard.com/article/display/0,1151,12422,00.html">http://www.thestandard.com/article/display/0,1151,12422,00.html</a> , 4 pages (March 6, 2000).
	AS	<u>1</u>	Cross, R. and Nassef, A., "E-Mail Direct Marketing Comes of Age," <i>Direct Marketing</i> , Hoke Communications, Vol. 62, No. 6, pp. 44-45 (October 1999).
	AT	<u>1</u>	"Top Ten Strategies for Direct Email Success," Boldfish Corporation, Printed from <a href="http://www.boldfish.com/BF-emguide/top-ten.html">http://www.boldfish.com/BF-emguide/top-ten.html</a> , 7 pages (January 1, 2000).

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DOCKET NO. 2018.0040001	APPLICATION NO. 09/841,186
	APPLICANT Foulger <i>et al.</i>	
	FILING DATE April 25, 2001	GROUP 2152

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2						
	AB2						
	AC2						
	AD2						
	AE2						
	AF2						
	AG2						
	AH2						
	AI2						
	AJ2						
	AK2						

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2						Yes No
	AM2						Yes No
	AN2						Yes No
	AO2						Yes No
	AP2						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	2	English-language Abstract of Japanese Patent Publication No. 2000020421, European Patent Office, 1 page (January 21, 2000 - Date of publication of application).
	AS	2	Copy of International Search Report from PCT Application No. PCT/US01/13137, 7 pages, mailed August 28, 2002.
	AT	2	

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.